



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
DATE: 7 November 2013
SUBJECT: 107 Chenango Street; Area Variances for Signage
TAX ID #: 160.33-2-47
CASE: ZBA 2013-27
COPIES: A. Sosa, T. Costello, L. Webb (District 4), J. Matzo, File

A. REVIEW REQUESTED

Matzo Electric Signs, the sign contractor for the property owner, has submitted an application for area variances related to signage for the Little Venice restaurant located at the property known as 107 Chenango Street; the property is located in the C-2, Downtown Business District. The property owner is redesigning the exterior façade of the building and, as part of that project, has proposed new signage.

The Applicant has proposed the following signage for the project:

- One (1) projecting sign, front façade, 73.9 square feet, neon illumination
- One (1) projecting sign, rear corner, 30 square feet, internal illumination
- One (1) canopy/marquee sign, facing south, 28 inches by 10 feet, internal illumination
- One (1) canopy/marquee sign, facing east, 28 inches by 10 feet, internal illumination

Article XI, Sign Regulations, of the City of Binghamton Zoning Code establishes the standards for signage in the City of Binghamton. §410-65 of the Zoning Code establishes the specific signage standards for the C-1 District. The proposed signs do not comply with these standards, and therefore, the proposal would require the area variances listed below:

	Permitted by Zoning Code	Proposed
Max Size of a Projecting Sign	20 square feet	73.9 square feet
Projecting Signs Located with 4 feet of an Exterior Corner of a Building	Minimum 4 feet from the corner	At the corner
Max Size of an Canopy/Marquee Sign	16 inches tall by 6 feet wide	28 inches by 10 feet

While the rear corner projecting sign is also over the maximum size for a projecting sign, it is a pre-existing non-conforming sign, which is simply being refaced and relocated.

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the Applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the

neighborhood, or whether a detriment to nearby properties will be created;

- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. ADDITIONAL REVIEWS

The sign proposal does not require approval from the Planning Commission.

The project is located within designated Local Landmark Historic property; all exterior modifications, including signage, must be reviewed and approved by the Commission on Architecture and Urban Design (CAUD). The signage has been reviewed and approved by CAUD.

The project is not located within the Local Waterfront Revitalization Program (LWRP) area; review by the Waterfront Advisory Committee is not required.

The proposed project does not include any modifications to the surface lot and does not require a Stormwater Pollution Prevention Plan (SWPPP).

C. SITE REVIEW

The subject property is located on the west side of Chenango Street, south of Lewis Street. The subject parcel measures 87 feet in width, with a depth of 150 feet. A three-story building occupies nearly the entire width parcel, with the rear of the parceling being used for parking. The site has been the location of Little Vince Restaurant for more than 30 years.

Land use to the east and west of 107 Chenango Street is primarily commercial and residential. Notable businesses in the area include the Intermodal Transit Station (former Greyhound Depot), the U-Haul store, the Kilmer Building, and the residential towers across Chenango Street.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

23 Henry Street:

- In 1988, the Planning Commission granted a Special Use Permit to John Maczko to allow the occupation of the second floor of an existing five-story structure by a fraternity.
- John Maczko was granted a Special Use Permit to convert the third, fourth, and fifth floors of an

existing building for use by a fraternity.

- In March 2011, Robert Hutchings was granted Series A Site Plan / SUP Review Exception for a Restaurant, Sit-Down (“Burger Monday’s”) in the C-2 District.

50 Prospect Avenue: A Series B Site Plan Application submitted by Three R Company to construct a parking lot was approved in 1990.

75 Prospect Avenue: A Series B Site Plan application submitted by Robert Eck to sell recreational vehicles was approved by the Planning Department in 1994.

E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Zoning Board of Appeals may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X	X	X	X	X	X

F. STAFF FINDINGS

Planning Staff has the following findings:

1. The Zoning Board must determine whether, by granting the variances, an undesirable change will be produced in the character of the neighborhood.

The proposed signage package has been reviewed and approved by the Commission on Architecture and Urban Design (CAUD), who determined that the recreation of a sign which was at this specific location, for this specific business, was appropriate. Additionally, given the size and configuration of the building, the amount of signage does not appear to be excessive.

2. The Zoning Board must determine whether the Applicant can achieve his goals via a reasonable

alternative that does not involve the necessity of an area variance.

The Applicant has stated that the reason for locating the main projecting sign so close to the corner of the building is for structural reasons, due to the weight of the sign. The applicant has also stated that the increase in size for the canopy/marquee signs is necessary; they have stated that if they were to reduce the size of the signs to meet the Zoning Code, the signs would be out of proportion with the barrel arches in which they are to be located.

3. The Zoning Board must determine whether the variance requested is substantial.

The requested variance for the main projecting sign is for more than 3.5 times the maximum size for a projecting sign. The Zoning Board must determine whether the substantial nature of the request is out-weight by other factors, including the recreation of a historically recognizable sign for a long-time business at this location. Staff does not consider the requested increase in size for the canopy/marquee signs to be substantial.

G. ENCLOSURES

Enclosed is a copy of the application, site photographs and sign mock-up.

Sincerely,

H. Peter L'Orange
Historic Preservation and Neighborhood Planner

Enclosures